HONOURABLE SRI JUSTICE GOPALAKRISHNA TAMADA.

WRIT PETITION NO:33576 OF 1998

Dated: 21-03-2007

Between

1.Pallala Balaiah & others.

..Petitioners

and

Mandal Revenue Officer, Dgadarthi Mandal.

…Respondent

HONOURABLE SRI JUSTICE GOPALAKRISHNA TAMADA

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ORDER:

The writ petition is filed by the petitioners seeking to declare the action of the respondent in not implementing the sub divisions made by the Mandal Surveyor and approved by the then Mandal Revenue Officer with regard to an extent of Ac.28.75 cents in S.No:164 of Chennuru village, Dagadarthi Mandal, Nellore District as illegal and arbitrary and to direct the respondent to implement and record the sub divisions made by the Mandal Surveyor and approved by the then Mandal Revenue Officer in the Revenue records including the names of the petitioners.

Heard.

While admitting the present writ petition, no interim direction has been granted.

The case of the petitioners is that the Government is implementing the cooperative joint forming scheme in the village. Under this scheme, small extents of lands were allotted to the beneficiaries. This land is recorded in the name of Revenue Divisional Officer in the Revenue Records. As the said land is not sub divided, they have requested the authorities in the Janmabhoomi programme to make sub divisions and record the same in the revenue records to avoid disputes among the beneficiaries. On their request, the authorities deputed the Mandal Surveyor to make sub divisions.

The Mandal surveyor inspected the land and divided the land and also prepared a plan wherein he noted the sub divisions and the same have been approved by the then Mandal Revenue Officer. The petitioners are cultivating the said land separately. But, the same was not recorded and entered in the revenue records in spite of the repeated requests being made by the petitioners. Aggrieved by the said in action, the present writ petition is filed by the petitioners.

Heard the learned counsel.

The respondent has filed a detailed counter wherein it is stated that most of the writ petitioners purchased the CJFS lands of the landless poor and they are the alleged purchasers of the lands in question and they do not have any right over the CJFS lands. It is further stated that the alleged purchases are hit by the provisions of A.P. Assigned Lands Prohibition of Transfers Act, 1977. Now, the intention of the purchasers is only to regularize their names along with the original allottees as per the irregular division prepared on the earlier occasion.

In view of the statement made by the respondent in the detailed counter, I feel that the petitioners cannot be granted any relief that is sought for in this writ petition. Hence, there are no merits in the writ petition and consequently, the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs.

(Justice Gopalakrishna Tamada)

21st MARCH, 2007

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